

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:00-00000**

**Chapter**

**#0.00 All hearings scheduled for today are now simultaneously 1) In person in Courtroom 1539; 2) Via ZoomGov Video; 3) Via ZoomGov Audio. Parties are free to choose any of these options, unless otherwise ordered by the Court. Parties electing to appear in person shall comply with all requirements regarding social distancing, use of face masks, etc. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.**

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

**Hearing conducted by ZOOMGov.**

**Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>**

**ZoomGov meeting number: 161 6109 0855**

**Password: 148508**

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT...**

**Chapter**

**Telephone conference lines:** 1 (669) 254 5252 or 1 (646) 828 7666  
(when prompted, enter meeting number and password shown above)

Docket 0

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-10943 Mr. Holmes, Inc.**

**Chapter 7**

**#1.00** Trustee's Motion for Order Authorizing Trustee to:

(1) Make Cash Disbursements

(2) Reserve Sale Proceeds

Docket 82

**\*\*\* VACATED \*\*\* REASON: GRANTED. APPEARANCES WAIVED**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Grant motion. Waive appearances. Authorize trustee to upload order consistent with tentative ruling.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mr. Holmes, Inc.

Represented By  
David B Zolkin

**Trustee(s):**

Rosendo Gonzalez (TR)

Represented By  
Zev Shechtman  
Alphamorlai Lamine Kebeh

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-14449 Alex A. Khadavi**

**Chapter 11**

**#2.00** Ivy Portfolio LLC's ("IVY") Motion for Order Excusing--for Excusable Neglect--IVY filing IVY's Proof of Claim Slightly After the 9/30/21 Bar Date, Because Debtor Khadavi Scheduled IVY at an Erroneous Address, and IVY Never Received Notice of Commencement of Bankruptcy or Notice of Bar Date

Docket 97

**\*\*\* VACATED \*\*\* REASON: GRANTED. APPEARANCES WAIVED**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Parties have filed stipulation requesting that motion be granted. (Debtor agrees claim filed may be treated as timely, but reserves its right to object to claim on all grounds other than timeliness.)

Grant motion. Waive appearances. Movant is authorized to upload order consistent with tentative ruling.

<b>Party Information</b>
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**Debtor(s):**

Alex A. Khadavi

Represented By  
Michael Jay Berger

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

**#3.00** Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2959 North Beverly Glen Circle, Los Angeles, California 90077

MOVANT: D.O. CAPITAL GROUP

fr. 4-27-21, 7-27-21, 8-11-21, 10-13-21

Docket 35

**\*\*\* VACATED \*\*\* REASON: CONT'D. TO 12/8/21 @ 10AM**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

If movant wants to file an adversary proceeding to have its debt excepted from the discharge under section 523(a)(2)(B) or to bar debtor's discharge under section 727(a)(4), it is free to do so, but the Court is not inclined to grant relief from the automatic stay on 523(a)(2)(B) or 727(a)(4) grounds. Similarly, if movant believes that debtor is ineligible for relief under subchapter V, it should object to the debtor's election to proceed under this chapter. This is not a basis for relief from the automatic stay.

Although "bad faith" can constitute cause for relief from stay, this does not appear to be a two-party dispute and filing bankruptcy on the eve of a foreclosure does not necessarily constitute a bad faith filing. Court is not yet persuaded that this is a bad faith filing or that reorganization within a reasonable period is unlikely.

As movant has not established a lack of adequate protection or other cause for relief from stay under section 362(d)(1) or that grounds exist for relief from stay under section 362(d)(2), deny motion without prejudice.

7/13/21 -- Court approved stipulation continuing hearing to August 11, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON JULY 27, 2021.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

**Chapter 11**

7/22/21 -- Court approved stipulation continuing hearing to October 13, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON AUGUST 11, 2021.

11/5/21 -- Court approved stipulation continuing hearing to December 8, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON OCTOBER 13, 2021.

9/8/21 -- Court approved stipulation continuing hearing to November 17, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON OCTOBER 13, 2021.

Tentative Ruling for November 17, 2021:

Deny motion as moot because underlying case is to be dismissed.

<b>Party Information</b>
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**Debtor(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Yuriko M Shikai

**Movant(s):**

D.O. Capital Group

Represented By  
Arnold L Graff

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

**#4.00** D.O. Capital Group's Motion to Dismiss Bad Faith Chapter 11 Filing, or in the Alternative, to Convert to Chapter 7

fr. 4-28-21, 7-27-21, 8-11-21, 10-13-21

Docket 42

**\*\*\* VACATED \*\*\* REASON: CONT'D. TO 12/8/21 @ 10AM**

**Courtroom Deputy:**

- NONE LISTED -

**Tentative Ruling:**

Court is not yet prepared to conclude that the prospect of reorganization is unlikely. Continue hearing approximately 90 days to give debtor an opportunity to make progress and court an opportunity to evaluate the extent to which progress is made.

7/13/21 -- Court approved stipulation continuing hearing to August 11, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON JULY 27, 2021.

7/22/21 -- Court approved stipulation continuing hearing to October **13**, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON AUGUST 11, 2021.

9/8/21 -- Court approved stipulation continuing hearing to November 17, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON OCTOBER 13, 2021.

11/5/21 -- Court approved stipulation continuing hearing to December 8, 2021 at 10:00 a.m. See order for additional provisions. APPEARANCES WAIVED ON OCTOBER 13, 2021.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Raymond Madjidian Tash

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

**Chapter 11**

Summer M Shaw  
Yuriko M Shikai

**Movant(s):**

D.O. Capital Group

Represented By  
Arnold L Graff

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

**#5.00 Debtor's Motion for Order:**

1. Authorizing the Refinance of Real Property
  2. Authorizing Payment of all Court and Administrative Fees and Cost
  3. Dismissing Case
- fr. 8-11-21, 10-14-21, 10-27-21

Docket 100

**Courtroom Deputy:**

**7/15/21 - Notice to pay Court costs in the amount of \$350.00 was sent to Summer Shaw, Debtor's Counsel and must be paid prior to this hearing.**

**11/15/21 - Court Costs paid in full.**

ZoomGov Appearance by:

11/8/21- Summer Shaw

11/15/21 - Gregory Kent Jones

11/16/21 - Eryk Escobar

11/16/21 - Paul Marks

**Tentative Ruling:**

Tentative Ruling from October 14, 2021:

Court granted motion on an interim basis by order entered August 13, 2021. Pursuant to that order, debtor was to file a declaration with the court after the refinance has closed, providing a copy of the final closing statement, showing

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

**Chapter 11**

all encumbrances paid and all fees and costs paid from the refinance. Court continued hearing to October 14, 2021 at 10:00 a.m. to hear fee applications and thereafter enter an order dismissing case if financing has closed.

Has the financing closed? Has the debtor filed the required declaration? Court was not able to locate anything on the docket. Hearing required.

-----  
Final Ruling from October 14, 2021:

No financing as of yet. Debtor had to change lenders. Lender may want something in writing that case will be dismissed. Continue hearing to October 27, 2021 at 11:00 a.m.

-----  
Tentative Ruling for October 27, 2021:

What is the status of this matter? Have there been any developments on the financing front? Hearing required.

-----  
Tentative Ruling for November 17, 2021:

Enter order dismissing case now that financing has closed, **once debtor pays outstanding court costs of \$350. (See docket entry from July 15, 2021.)** Court recalls being told by counsel that this amount has been paid, but docket does not reflect the payment. Hearing required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Yuriko M Shikai

**Movant(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Summer M Shaw  
Summer M Shaw  
Yuriko M Shikai

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

**Chapter 11**

Yuriko M Shikai  
Yuriko M Shikai

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

**#6.00** Final Application for Compensation and Reimbursement of Expenses for Gregory Kent Jones (TR), Trustee, Period: 3/4/2021 to 8/31/2021,  
**[Fees requested: \$16,920.00, Expenses: \$0.00]**

fr. 10-14-21, 10-27-21

Docket 138

**Courtroom Deputy:**

ZoomGov Appearance by:

11/8/21- Summer Shaw

11/15/21 - Gregory Kent Jones

11/16/21 - Eryk Escobar

11/16/21 - Paul Marks

**Tentative Ruling:**

Allow fees requested -- \$16,020 -- on a final basis.

<b>Party Information</b>
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**Debtor(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Yuriko M Shikai

**Movant(s):**

Gregory Kent Jones (TR)

Pro Se

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

**#7.00 Scheduling and Case Management Conference in a Chapter 11 Subchapter V Case**

fr. 4-21-21, 4-28-21, 7-27-21, 8-11-21, 10-14-21, 10-27-21

Docket 1

**Courtroom Deputy:**

**7/15/21 - Notice to pay Court costs in the amount of \$350.00 was sent to Summer Shaw, Debtor's Counsel and must be paid prior to this hearing.**

**11/15/21 - Court Costs paid in full.**

ZoomGov Appearance by:

11/8/21- Summer Shaw

11/15/21 - Gregory Kent Jones

11/16/21 - Eryk Escobar

11/16/21 - Paul Marks

**Tentative Ruling:**

Take status conference off calendar due to dismissal of case.

<b>Party Information</b>
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**Debtor(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Yuriko M Shikai

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

Adv#: 2:21-01071 Lee et al v. Tash et al

**#8.00** Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud))(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(14 (Recovery of money/property - other)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))), (91 (Declaratory judgment))Complaint by Sung Y. Lee, Sung Y. Lee DMD, Inc. against Raymond Madjidian Tash, Raymond M. Tash, D.D.S., A Professional Corporation

fr. 6-29-21, 7-27-21, 8-11-21, 10-14-21, 10-27-21

Docket 1

**Courtroom Deputy:**

ZoomGov Appearance by:

11/8/21- Summer Shaw

11/16/21 - Keneth Catanzarite

**Tentative Ruling:**

Plaintiff obtained a replacement summons on May 15, 2021. Was that summons served in a timely manner? If not, why not? Hearing required.

6/24/21 -- Court approved stipulation continuing status conference to July 27, 2021 at 2:00 p.m. OFF CALENDAR FOR JUNE 29, 2021.

Tentative Ruling for July 27, 2021:

Court could continue hearing to August 11, 2021 at 10:00 a.m. to be heard concurrently with motion to dismiss underlying bankruptcy case (as this action will become moot if the case is dismissed), but parties have also requested that this matter be sent to mediation and status report does not request a further continuance. Do the parties want to be ordered to mediation now or should the court continue the status conference to coincide with the hearing

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT...**      **Raymond Madjidian Tash**  
on the motion to dismiss?

**Chapter 11**

At request of parties, continue hearing to August 11, 2021 at 10:00 a.m. to be heard concurrently with other matters. OFF CALENDAR FOR JULY 27, 2021. NO APPEARANCE REQUIRED.

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Tentative Ruling for August 11, 2021:

Action will become moot if case is dismissed. Revisit status of action after conclusion of hearing on matter no. 109 on calendar.

-----  
Final Ruling for August 11, 2021:

Continue status conference to October 14, 2021 at 10:00 a.m. Court waived requirement that joint status report be filed.

-----  
Tentative Ruling for October 27, 2021:

If the financing has not closed, the case will not be dismissed and this action will not become moot. Continue status conference approximately 90 to 120 days and order parties to complete a day of mediation prior to the date of the continued status conference.

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Tentative Ruling for November 17, 2021:

Enter order in adversary proceeding dismissing action as moot in light of dismissal of underlying bankruptcy case.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Yuriko M Shikai

**Defendant(s):**

Raymond Madjidian Tash

Pro Se

Raymond M. Tash, D.D.S., A

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

Summer M Shaw

**Chapter 11**

**Plaintiff(s):**

Sung Y. Lee

Represented By  
Keneth J Catanzarite

Sung Y. Lee DMD, Inc.

Represented By  
Keneth J Catanzarite

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

Adv#: 2:21-01073 Lee, DDS et al v. Tash et al

**#9.00** Status Conference re: 01 (Determination of removed claim or cause)) Notice of Removal of Action by Raymond Madjidian Tash

fr. 6-29-21, 7-27-21, 8-11-21, 10-14-21, 10-27-21

Docket 1

**Courtroom Deputy:**

ZoomGov Appearance by:

11/8/21- Summer Shaw

11/16/21 - Keneth Catanzarite

**Tentative Ruling:**

Tentative Ruling for July 27, 2021:

Court could continue hearing to August 11, 2021 at 10:00 a.m. to be heard concurrently with motion to dismiss underlying bankruptcy case, but parties have also requested that this matter be sent to mediation and status report does not request a further continuance. **And this action will not be moot even if the case is dismissed, as this is the lawsuit that was removed from state court.** Do the parties want to be ordered to mediation now or should the court continue the status conference to coincide with the hearing on the motion to dismiss?

At request of parties, continue hearing to August 11, 2021 at 10:00 a.m. to be heard concurrently with other matters. OFF CALENDAR FOR JULY 27, 2021. NO APPEARANCE REQUIRED.

-----  
Tentative Ruling for August 11, 2021:

Although action will not be moot even if the underlying bankruptcy case is

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

**Chapter 11**

dismissed, action would need to be remanded. Revisit status of action after conclusion of hearing on matter no. 109 on calendar.

-----  
Final Ruling for August 11, 2021:

Continue status conference to October 14, 2021 at 10:00 a.m. Court waived requirement that joint status report be filed.

-----  
Tentative Ruling for October 27, 2021:

If the financing has not closed, the case will not be dismissed and this action will not be remanded. Continue status conference approximately 90 to 120 days and order parties to complete a day of mediation prior to the date of the continued status conference.

-----  
Tentative Ruling for November 17, 2021:

Enter order in adversary proceeding remanding action to state court now that underlying bankruptcy case is being dismissed.

<b>Party Information</b>
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**Debtor(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Yuriko M Shikai

**Defendant(s):**

Raymond Madijidian Tash

Represented By  
Paul S Marks  
Yuriko M Shikai

Raymond M. Tash, D.D.S. a

Represented By  
Paul S Marks  
Yuriko M Shikai  
Summer M Shaw

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

**Chapter 11**

**Plaintiff(s):**

Sung Young Lee, DDS

Represented By  
Keneth J Catanzarite

Sung Y. Lee DMD, Inc.

Represented By  
Keneth J Catanzarite

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**2:21-11716 Raymond Madjidian Tash**

**Chapter 11**

Adv#: 2:21-01086 Mendez et al v. Tash, D.D.S

**#10.00** Status Conference re: 91 (Declaratory Judgment)), (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))  
Complaint by Tomas Mendez, Dulce Mendez against Raymond M. Tash D.D.S.

fr. 7/13/21, 8-10-21, 8-11-21, 10-27-21, 10-27-21

Docket 1

**Courtroom Deputy:**

ZoomGov Appearance by:

11/8/21- Summer Shaw

11/16/21 - Keneth Catanzarite

**Tentative Ruling:**

Tentative Ruling for October 27, 2021:

If the financing has not closed, the case will not be dismissed and this action will need to move forward. Continue status conference approximately 90 to 120 days and order parties to complete a day of mediation prior to the date of the continued status conference.

-----  
Tentative Ruling for November 17, 2021:

As this action was only brought in bankruptcy court, rather than state court, due to pendency of bankruptcy case and bankruptcy case is being dismissed, court will not exercise its discretion to retain jurisdiction over this adversary proceeding. Enter order dismissing adversary proceeding without prejudice due to dismissal of underlying bankruptcy case. (Should court delay dismissal until new action has been filed in state court? Hearing required.)

<b>Party Information</b>
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

10:00 AM

**CONT... Raymond Madjidian Tash**

**Chapter 11**

**Debtor(s):**

Raymond Madjidian Tash

Represented By  
Summer M Shaw  
Yuriko M Shikai

**Defendant(s):**

Raymond M. Tash D.D.S

Represented By  
Yuriko M Shikai

**Plaintiff(s):**

Tomas Mendez

Represented By  
Keneth J Catanzarite

Dulce Mendez

Represented By  
Keneth J Catanzarite

**Trustee(s):**

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**2:19-21726 Grandview Hills LLC**

**Chapter 11**

**#100.00** Tymeout, LP, et al's Motion for Reconsideration of Order Granting Motion to Compel Performance of Court Approved Compromise and Order to Show Cause

Docket 197

**Courtroom Deputy:**

ZoomGov Appearance by:

11/12/21- Louis J. Esbin

11/15/21 - Edward Weber

11/16/21 - Eryk Escobar

**Tentative Ruling:**

Movant contends that the standard here is "excusable neglect," yet this does not appear to be an instance of excusable neglect. It appears to be either an instance of an intentional attempt to avoid bankruptcy court adjudication of movant's disputes with the debtor or willful neglect. Movant has been served with notice of all actions in this case and with copies of all status reports and entered orders, but has rarely chosen to participate. This is far from the sort of conduct that the Court would characterize as excusable neglect.

Tymeout first appeared in this chapter 11 case when it moved for relief from stay on March 17, 2020. The debtor filed an ex parte application seeking a continuance of the date of hearing on that motion, which Tymeout opposed in a 5 sentence opposition filed April 1, 2020. (The Court granted the debtor's ex parte application in part and continued the hearing on Tymeout's motion from April 14 to April 28, 2020.) The court entered an order granting the motion for relief and annulling the stay by order entered April 28, 2020 (docket No. 64).

Thereafter, the debtor took a variety of actions in an effort to avoid the impact of the court's April 28, 2020 order, one of which was to file and serve an objection to Tymeout's claim no. 6 on May 6, 2020. Tymeout responded not

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT...**

**Grandview Hills LLC**

**Chapter 11**

by opposing the objection on substantive or procedural grounds, but by withdrawing its proof of claim. Tymeout did not file an opposition to the objection or appear at the hearing. Nevertheless, as Tymeout had already conducted a nonjudicial foreclosure sale with regard to the subject property by that date, the Court entered an order overruling the claim objection without prejudice on the ground that the objection appeared moot in light of the nonjudicial foreclosure sale and because the court believed that the relief sought by the debtor would be more appropriately pursued in an adversary proceeding than through a claim objection. (Debtor had also filed a state court action in an effort to demonstrate that Tymeout's claim was overstated and the foreclosure was ineffective in state court. Tymeout failed to appear in that action and had its default taken.)

The debtor moved, unsuccessfully, for reconsideration of this court's orders and filed a number of appeals. Eventually, with the assistance of a court-appointed mediator, the debtor and Tymeout reached a settlement of their respective disputes. The court granted the debtor's March 9, 2021 motion to approve compromise (docket no. 160) by order entered April 2, 2021 (docket no. 165). Pursuant to that compromise, Tymeout was to sell the subject property to an entity known as Plentywood Springs, LLC.

The Court conducted a series of status conferences in this chapter 11 case. In the June 3, 2021 status report that the debtor filed in preparation for the June 16, 2021 status conference, the debtor first began to report problems with closing a sale to Plentywood. In the status report filed August 12, 2021 in preparation for an August 18, 2021 status conference, the debtor set forth problems that it was having with Tymeout's performance under the settlement agreement and reported that Tymeout had a history of making and breaking promises to perform. Tymeout did not file anything in response to these contentions nor appear at the status conference to offer any input to the court as to the status of the case. Based on the debtor's representations, the court set a deadline at that status conference for the debtor to bring a motion to compel Tymeout's performance under the compromise.

The debtor filed and served that motion to compel on August 25, 2021 (docket no. 175) and, in accordance with the court's instructions, noticed a hearing on that motion for September 15, 2021. According to the court's local

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT...**

**Grandview Hills LLC**

**Chapter 11**

rules, the opposition to that motion would have been due September 1, 2021, but the notice of motion directed Tymeout to file an opposition within 14 days after service of the motion (that is, by September 8, 2021). Tymeout did neither. Nor did Tymeout appear at the hearing on the motion to compel. The court granted that motion by order entered September 17, 2021, compelling Tymeout to execute the documents necessary to close the transaction by September 11, 2021. The court set a further hearing for September 29, 2021 on its order to show cause why, if Tymeout had failed to close the transaction by September 11, 2021, the court should not direct the clerk to execute the required documents or take other appropriate remedial action.

Here is the explanation offered by counsel for Tymeout for its failure to oppose the motion to compel or to take any steps to present its view of the situation to the court at any time prior to its filing of a 6-page declaration in response to the OSC on September 28, 2021 in connection with the September 29, 2021 hearing:

2. From August 3, through September 10, 2021, I was engaged in a Trial in Los Angeles Superior Court, and was so engaged on an almost daily basis. From August 3 to August 29, I attended multiple Final Status Conferences and prepared the case for an upcoming jury trial. The Trial actually started on August 30 with jury selection and ended on September 10. The week following the trial, I was overwhelmed with trying to catch up on many things in many other matters, including this case. During this period, I knew that Mr. Geronsin [Tymeout's principal] had been communicating with the parties and counsel regarding the real estate transaction and I believed that he had it under control and that it was going to close. He did not ask for my assistance during that time and it seemed everything was well in hand. Although I do believe he may have sent an email asking me for my opinion or thought on something, I do not recall if I responded or not. My attention was on the jury trial. When the motion was filed in late August, I did receive ECF notices. I was not able to review them timely or to advise Mr. Geronsin sooner. I did see the entry of the order, and I intended to reach out to Mr. Geronsin about it but he contacted

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT...**

**Grandview Hills LLC**

**Chapter 11**

first. We discussed it and we filed the response to the Order to Show Cause and we appeared before the Court on September 29, 2021. Had I reviewed the notices more promptly and timely, and had I notified Mr. Geronson sooner, I believe we would have filed an opposition to the motion and set it for hearing, and that under the circumstances the motion probably would have been denied.

Court is a bit confused by debtor's discussion of the timeliness of the motion for reconsideration. References to 10-days are inaccurate. All of the 10-day periods referenced in the opposition became 14-day periods several years ago when all time periods in the Federal Rules of Bankruptcy Procedure became multiples of 7. This motion was filed within 14 days after the date of the order or judgment for which movant seeks reconsideration, so it is not too late for movant to bring a motion under either Rule 59 or Rule 60. However, court agrees with debtor that the movant has not established any newly-discovered evidence that, with reasonable diligence, could not have been discovered in time to bring a motion for a new trial under Rule 59 (made applicable by FRBP 9023), or any of the other grounds set forth in Rule 60(b)(2)-(6) (made applicable by FRBP 9024). The issue here is whether the facts and circumstances amount to sufficient cause for this court to relieve Tymeout from the effect of its order compelling performance of the compromise due to "mistake, inadvertence, surprise or excusable neglect."

Court agrees with the debtor that movant has not established grounds for relief under this standard. Counsel for Tymeout acknowledges having been served with the relevant motion. He was just too busy to give this matter the attention it deserved and does not even recall whether he responded to his client's request for input. As the Court in Pinero Schroeder v. Federal Nat'l Mort. Assoc., 574 F.2d 1117 (1st Cir. 1978) explained, "We do not consider the fact that an attorney is busy on other matters to fall within the definition of excusable neglect. Most attorneys are busy most of the time and they must organize their work so as to be able to meet the time requirements of matters they are handling or suffer the consequences."

Deny motion for reconsideration. Tymeout had an opportunity to present its side of the story to the court as this matter unfolded over a period of months and did not do so. When the court finally decided the matter must be brought

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT...**

**Grandview Hills LLC**

**Chapter 11**

to a head and resolved with the filing of a motion to compel so that this matter could be brought to a close one way or the other, Tymeout again decided not to participate and instead to handle matters on its own by simply cancelling the escrow. This was a compromise of matters pending before this court. Appeals were dismissed in reliance on the existence of this compromise. There does not appear to be any prejudice to Tymeout from requiring that it move forward with the sale at this juncture. Court does not share Tymeout's view that it is no longer required to perform.

<b>Party Information</b>
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**Debtor(s):**

Grandview Hills LLC

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**2:19-21726 Grandview Hills LLC**

**Chapter 11**

**#100.10** Order to Show Cause Why the Court Should Not Order the Clerk of the Court to Sign on Tymeout's Behalf Such Documents as May Be Necessary to Permit Escrow to Close on the Sale of the Real Property from Tymeout to Plentywood

fr. 9-29-21, 11-3-21

Docket 190

**Courtroom Deputy:**

ZoomGov Appearance by:

11/12/21- Louis J. Esbin

11/15/21 - Edward Weber

11/16/21 - Eryk Escobar

**Tentative Ruling:**

Tentative Ruling for September 29, 2021:

There has been no written response to the Court's Order to Show Cause. What, if anything, has transpired with regard to the close of escrow since the Court's order was entered? Do we know whether the appropriate parties ever received a copy of the Court's order?

Hearing required.

-----  
Final Ruling for September 29, 2021:

Continue hearing to November 3, 2021 at 11:00 a.m. Parties are ordered to complete a day of mediation prior to date of continued hearing. In the interim, Tymeout is ordered to remove the property from the MLS and not to sell the property (other than to Plentywood) pending a continued hearing.

-----  
Tentative Ruling for November 3, 2021:

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT... Grandview Hills LLC**

**Chapter 11**

Court observes that Tymeout filed motion for reconsideration of its prior order compelling performance of the parties' settlement agreement and that a hearing on that motion has been noticed for November 17, 2021. Did the parties complete a day of mediation as ordered by the Court on October 1, 2021? Hearing required.

11/2/21 -- At request of debtor, continue hearings to November 17, 2021 at 11:00 a.m. to coincide with hearing on motion for reconsideration.  
APPEARANCES WAIVED ON NOVEMBER 3, 2021.

-----  
Tentative Ruling for November 17, 2021:

Have concrete discussion with the parties about the mechanics necessary to accomplish any remaining steps necessary to close the escrow. If Tymeout has placed impediments in the way of buyer's ability to obtain financing (such as cancellation of the escrow, listing the property or refusing to sign documents), these impediments must be removed and a reasonable deadline thereafter established for buyer to obtain the financing necessary to close the transaction. If Tymeout complies with the Court's instructions and removes these impediments and buyer is still unable to obtain the required financing by the deadline established by the court for this purpose, the escrow will need to be cancelled.

<b>Party Information</b>
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**Debtor(s):**

Grandview Hills LLC

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**2:19-21726 Grandview Hills LLC**

**Chapter 11**

**#100.20** Scheduling and Case Management Conference in a Chapter 11 Case

fr. 12-4-19, 3-4-20, 7-1-20, 10-7-20, 1-6-21, 4-7-21, 6-16-21, 8-18-21, 9-15-21,  
9-29-21, 11-3-21

Docket 1

**Courtroom Deputy:**

ZoomGov Appearance by:

11/12/21- Louis J. Esbin

11/15/21 - Edward Weber

11/16/21 - Eryk Escobar

**Tentative Ruling:**

Tentative Ruling for December 4, 2019:

Debtor owns 80 percent of the Real Property as a tenant in common with whom? Do the managing member's parents own the other 20 percent as joint tenants? And the debtor itself is 80 percent owned by George Gabriel and 20 percent owned by his father? When was the deed of trust held by Tymeout recorded in the first place? What were the proceeds of the loan used for?

Set bar date and deadline for serving notice of bar date.

-----  
12/11/19 -- Court approved order setting following dates:  
L/D to serve notice of bar date -- 12/13/19  
Bar date -- 1/31/20  
Cont'd case status conference -- 03/04/20 at 11:00 a.m.  
L/D to file updated case status report -- 02/21/20.  
-----

Tentative Ruling for March 4, 2020:

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT... Grandview Hills LLC**

**Chapter 11**

Status report was filed late (on February 27, 2020). Discuss with debtor pending litigation in state court concerning the parties' respective priorities. Set deadline for debtor to commence litigation in this court to resolve these issues. Explore whether ordering the parties to mediation would be useful.

Hearing required.

-----  
Tentative Ruling for July 1, 2020:

What is currently happening at the property? Who is collecting rents? Are tenants paying rent? Did debtor seek and obtain any stays pending appeal? Hearing required.

NOTE: There are a number of inaccurate or misleading statements in the case status report. For example, there is no mention made of the prior in rem order for relief. Instead, the report makes it appear that the first time Tymeout obtained relief from stay was in the April 28, 2020 order, which was not the case. And the statement that the debtor, "of course" obtained a stay of the foreclosure proceedings by filing this case is inconsistent with the court's prior rulings in this matter.

-----  
Tentative Ruling for October 7, 2020:

Discuss with the parties whether to grant the debtor's request that the debtor and Tymeout be ordered to mediation. Hearing required.

-----  
10/16/20 -- Court approved order directing parties to complete a day of mediation not later than January 5, 2021 and setting the following additional dates:

Cont'd case status conference -- January 6, 2021 at 11:00  
L/D to file updated case status report -- December 27, 2020  
L/D to lodge order appointing mediators -- October 26, 2020. (If Tymeout fails to cooperate in selection of mediator, debtor may file declaration to this effect and lodge unilateral order appointing mediators of its choosing. If Tymeout fails to participate in mediation, debtor should file declaration to this effect and court will issue an order to show cause why Tymeout should not be held in contempt.)

11/13/20 -- Court approved order appointing mediators.  
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**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT... Grandview Hills LLC**

**Chapter 11**

Tentative Ruling for January 6, 2021:

Court has not approved a settlement agreement, so it is not in a position to issue an order to show cause why someone should, or should not, be held in breach of that agreement. The debtor is a party to the proposed agreement. Does it intend to seek court approval of the agreement? If not, why not? Hearing required.

-----  
Tentative Ruling for April 7, 2021:

At debtor's request, continue case status conference to June 16, 2021 at 11:00 a.m. to give escrow an opportunity to close and debtor an opportunity to request dismissal of this case. APPEARANCES WAIVED ON APRIL 7, 2021.

(NOTE: Court signed order granting motion for approval of global compromise on April 2, 2021.)

-----  
Tentative Ruling for June 16, 2021:

Case needs to be dismissed, but not until escrow has closed. At debtor's request, continue status conference to August 18, 2021 at 10:00 a.m. to give escrow an opportunity to close. Debtor should file updated status report not later than August 6, 2021. APPEARANCES WAIVED ON JUNE 16, 2021.

-----  
Tentative Ruling for August 18, 2021:

Case needs to be dismissed, but not until escrow has closed. At debtor's request, continue status conference to October 27, 2021 at 11:00 a.m. to give escrow an opportunity to close. Debtor should file updated status report not later than October 13, 2021. APPEARANCES WAIVED ON AUGUST 18, 2021; however, if debtor would prefer that court issue OSC why parties have not performed and set a hearing on the OSC for October 27, 2021 at 11:00 a.m. instead, counsel may appear and request such relief.

-----  
Final Ruling for August 18, 2021:

Continue hearing to September 15, 2021 at 10:00 a.m. (later moved to 11:00 a.m.)

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT...**

**Grandview Hills LLC**

**Chapter 11**

Debtor will file and serve motion to compel by August 25, 2021 and set it for hearing on September 15, 2021 at 10:00 a.m. (later moved to 11:00 a.m.) Requirement of updated status report waived.

-----  
Tentative Ruling for September 29, 2021:

Revisit status of case after conclusion of related matter on calendar.

11/2/21 -- At request of debtor, continue hearings to November 17, 2021 at 11:00 a.m. to coincide with hearing on motion for reconsideration.  
APPEARANCES WAIVED ON NOVEMBER 3, 2021.

-----  
Tentative Ruling for November 17, 2021:

Revisit status of case after conclusion of related matters on calendar.

<b>Party Information</b>
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**Debtor(s):**

Grandview Hills LLC

Represented By  
Louis J Esbin

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**2:21-15342 Vitaly Ivanovich Smagin**

**Chapter 15**

**#101.00** Status Conference re: **The RICO Action** pursuant to the Order Granting Relief in Aid of a Foreign Main Proceeding Pursuant to 11 USC Section 1521 Entered on August 13, 2021

fr 9-15-21, 10-13-21

Docket 84

**Courtroom Deputy:**

ZoomGov Appearance by:

11/12/21 - Hamid R. Rafatjoo

11/12/21 - Carollynn H.G. Callari

11/12/21 - David S. Forsh

11/15/21 - Mark Bloom

11/15/21 - Nicholas Kennedy

11/15/21 - Reginal Sainvil

**Tentative Ruling:**

Court is concerned by the paragraph that appears on page 3, at lines 13 through 18, of the status report: "The Independent Third-Party has concerns regarding its ability to access information to support its function. For example, the Foreign Representative's own counsel in the Chapter 15 Case does not appear to have current information regarding Moscow creditor meeting activities and approval of funding for Chapter 15 activities. The Independent Third-Party encourages traditional transparency in order to achieve the results envisioned at the time the Relief Order was entered."

Why doesn't the Foreign Representative's counsel in this case have current information regarding Moscow creditor meeting activities and what can be done to remedy this situation? Hearing required.

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT... Vitaly Ivanovich Smagin**

**Chapter 15**

<b>Party Information</b>
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**Debtor(s):**

Vitaly Ivanovich Smagin

Represented By  
Hamid R Rafatjoo  
Nicholas O Kennedy  
Thomas Tysowsky

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**2:21-15342 Vitaly Ivanovich Smagin**

**Chapter 15**

**#102.00** Status Conference re: **The Enforcement Action or Fraudulent Conveyance Action** pursuant to the Order Granting Relief in Aid of a Foreign Main Proceeding Pursuant to 11 USC Section 1521 Entered on August 13, 2021

fr. 9-15-21, 10-13-21

Docket 84

**\*\*\* VACATED \*\*\* REASON: CONT'D. TO 12/15/21 @ 11AM**

**Courtroom Deputy:**

ZoomGov Appearance by:

11/12/21 - Hamid R. Rafatjoo

11/12/21 - Carollynn H.G. Callari

11/12/21 - David S. Forsh

11/15/21 - Mark Bloom

11/15/21 - Nicholas Kennedy

11/15/21 - Reginal Sainvil

**Tentative Ruling:**

Foreign Representative reports in his third status report that he does not believe there is any reason for the court to convene a hearing on November 17, 2021. The debtor has moved for withdrawal of the reference in this chapter 15 case. That motion is set for hearing on December 6, 2021.

Continue status conference to the next status conference date after the hearing on the motion to withdraw the reference -- December 15, 2021 at 11:00 a.m. Appearances waived on November 17, 2021.

<b>Party Information</b>
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**Debtor(s):**

Vitaly Ivanovich Smagin

Represented By

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**CONT... Vitaly Ivanovich Smagin**

**Chapter 15**

Hamid R Rafatjoo  
Nicholas O Kennedy  
Thomas Tysowsky

**United States Bankruptcy Court  
Central District of California  
Los Angeles  
Judge Sheri Bluebond, Presiding  
Courtroom 1539 Calendar**

**Wednesday, November 17, 2021**

**Hearing Room 1539**

11:00 AM

**2:21-15214 Community Therapies**

**Chapter 7**

**#103.00** Trustee's Motion For Order Authorizing Sale of Property free and clear of liens  
subject to overbid re: All of Debtor's Business Assets

fr. 11-10-21

Docket 117

**Courtroom Deputy:**

ZoomGov Appearance by:

11/16/21 - Najah Shariff

**Tentative Ruling:**

If there are any parties interested in bidding, grant motion. Approve sale to  
highest bidder.

<b>Party Information</b>
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**Debtor(s):**

Community Therapies

Pro Se

**Trustee(s):**

Wesley H Avery (TR)

Represented By  
Caroline Djang